



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,365	12/31/2003	Sumit Agarwal	Google-58 (GP-155-00-US)	4904
26479 7590 03/18/2008 STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724				
EXAMINER				
RAYYAN, SUSAN F				
ART UNIT		PAPER NUMBER		
2167				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/750,365

**Applicant(s)**

AGARWAL ET AL.

**Examiner**

SUSAN FOSTER RAYYAN

**Art Unit**

2167

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20, 28-47, 55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 28-47, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-20, 28-47, 55 and 56 are currently pending. Claims 21-27, 48-54 are canceled.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

3. **Claims 28-47, 56 are rejected as being directed to non-statutory subject matter.**

Claim 28 is directed to an apparatus for facilitating the comparison of different ad landing pages, the apparatus comprising means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking .... Examiner has interpreted the means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking ... as software per se and therefore directed to non-statutory subject matter.

Claim 40 is directed to an apparatus for facilitating the comparison of different (ad landing page, ad creative) combinations , the apparatus comprising means for automatically selecting ..., means for automatically assembling ...,

means for serving the assembled ad, means for tracking .... Examiner has interpreted the means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking ... as software per se and therefore directed to non-statutory subject matter.

Claim 43 is directed to an apparatus for facilitating the comparison of different (ad landing page, ad serving criteria) combinations, the apparatus comprising means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking .... Examiner has interpreted the means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking ... as software per se and therefore directed to non-statutory subject matter.

Claim 46 is directed to an apparatus for facilitating the comparison of different types of ad landing pages, the apparatus comprising means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking .... Examiner has interpreted the means for automatically selecting ..., means for automatically assembling ..., means for serving the assembled ad, means for tracking ... as software per se and therefore directed to non-statutory subject matter.

Claim 56 is directed to an apparatus for facilitating the comparison of at least two different ad landing pages, the apparatus comprising means for automatically selecting ..., means for serving ..., means for separately tracking .... Examiner has interpreted the means for automatically selecting ..., means for serving ...,

Art Unit: 2167

means for separately tracking ... as software per se and therefore directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4,20,28-47,55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Number 2004/0103024 issued to Dorab Patel ("Patel") and Frank C. Nicholas et al ("Nicholas").**

**As per independent claim 1 Patel teaches:**

for an ad to be served, selecting one of a plurality of candidate ad landing pages and automatically assembling the ad to include a link to the selected ad landing page (paragraph 38, line 5, creative offer, paragraph 51 and paragraph 187, automatically);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad); and

tracking a performance of the ad in combination with the automatically selected ad landing page such that, for the ad, a performance for each of the plurality of

Art Unit: 2167

candidate landing pages, linked from the ad when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

]

**As per claims 2-3** same as claim arguments above and Nicholas teaches in a round-robin manner (at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile).

**As per claim 4**, same as claim arguments above and Patel teaches: wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection,

Art Unit: 2167

sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 5**, same as claim arguments above and Patel teaches:

determining whether or not to automatically designate one of the plurality of candidate ad landing pages using a comparison of their respective performance and an auto-designation policy and automatically designating the one of the plurality of candidate ad landing pages if it was determined to designate it (paragraph 203, automated mechanism to specify conditions to accept or discontinue).

**As per claim 6**, same as claim arguments above and Patel teaches:

wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 7**, same as claim arguments above and Patel teaches:

accepting a request for performance information of the ad, and providing the performance information of the ad for each of the plurality of candidate ad landing pages with which the ad was served to the requester (paragraph 196, reports available for data collected by ad server, paragraph 236-239, paragraph 636-637, generate on-demand reports).

**As per claim 8**, same as claim arguments above and Patel teaches:

wherein performance information of this ad provided for each of the plurality of candidate ad landing pages with which the ad was served is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 9**, same as claim arguments above and Patel teaches:

accepting a manual ad landing page designation instruction, and designating one of the plurality of candidate ad landing pages using the manual ad landing page designation instruction ( paragraph 122, paragraphs 424-425, 437, manage banners).



Art Unit: 2167

**As per claim 10**, same as claim arguments above and Patel teaches:

wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 11**, same as claim arguments above and Patel teaches:

normalizing the performance of the ad in combination with the automatically selected ad landing page to remove ad landing page independent factors that may influence the ad performance (paragraph 139).

**As per claim 12**, same as claim arguments above and Patel teaches:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges (paragraph 186-187 different product offers and prices).

**As per independent claim 13** Patel teaches:

for an ad to be served, ... selecting one of a plurality of candidate ad landing page, ad creative combinations and automatically assembling the ad to include the selected ad creative and the selected ad landing page of the selected (ad landing page, ad creative) combination (paragraph 38, line 5, creative offer, paragraph 51, paragraph 187, automatically);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);

and tracking, a performance of the ad in combination with the automatically selected (ad landing page, ad creative) combination such that, for the ad, a performance for each of the plurality of (ad landing, ad creative) combinations used when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page)).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claim 14**, same as claim arguments above and Patel teaches:

wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 15**, same as claim arguments above and Patel teaches:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges(paragraph 186-187 different product offers and prices).

**As per independent claim 16** Patel teaches:

for an ad to be served, selecting one of a plurality of candidate (ad landing page, ad serving criteria) combinations and assembling the ad to include the selected ad landing page of the selected (ad landing page, ad serving criteria) combination (paragraph 38, line 5, creative offer, paragraph51, paragraph 187, automatically);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);  
and tracking a performance of the ad in combination with the automatically selected (ad landing, ad serving criteria) combination such that, for the ad, a

performance for each of the plurality of (ad landing ,ad serving criteria )combinations, used when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page).

Patel does not explicitly teach selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claim 17**, same as claim arguments above and Patel teaches: wherein the performance of the ad in combination with the automatically selected (ad landing page, ad serving criteria) tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

Art Unit: 2167

**As per claim 18**, same as claim arguments above and Patel teaches:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges (paragraph 186-187 different product offers and prices).

**As per independent claim 19** Patel teaches:

for an ad to be served, .... selecting one of a plurality of candidate ad landing pages, wherein each of the plurality of candidate ad landing pages has a different type and automatically assembling the ad to include the selected ad landing page (paragraph 38, line 5, creative offer, paragraph 51, paragraph 187, automatically);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);

tracking, performance of a set of ads in combination with the type of automatically selected ad landing page such that, for the ad, a performance for each of the plurality of types landing pages, used when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page)).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on

Art Unit: 2167

round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claim 20**, same as claim arguments above and Patel teaches:

wherein the different types of ad landing pages have different formatting styles (paragraph 163, different formats).

**As per independent claim 28** Patel teaches:

means for .... selecting one of a plurality of candidate ad landing pages for an ad to be served and means for automatically assembling the ad to include a link to the selected ad landing page (paragraph 38, line 5, creative offer, paragraph 51);

means for serving the assembled ad (paragraph 51, line 27-28, automatically serving ad, paragraph 187, automatically);

d) means for tracking a performance of the ad in combination with the automatically selected ad landing page such that, for the ad, a performance for each of the plurality of candidate landing pages, linked from the ad when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page)).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claims 29-30** same as claim arguments above and Nicholas teaches in a round-robin manner (at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile).

**As per claim 31, same** as claim arguments above and Patel teaches: wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 32**, same as claim arguments above and Patel teaches:

means for determining whether or not to automatically designate one of the plurality of candidate ad landing pages using a comparison of their respective performance and an auto-designation policy, and means for automatically designating the one of the plurality of candidate ad landing pages if it was determined to designate it (paragraph 203, automated mechanism to specify conditions to accept or discontinue).

**As per claim 33**, same as claim arguments above and Patel teaches:

wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 34**, same as claim arguments above and Patel teaches:

means for accepting a request for performance information of the ad, and means for providing the performance information of the ad ...to the requester (paragraph 196, reports available for data collected by ad server, paragraph 236-239, paragraph 636-637, generate on-demand reports).



**As per claim 35**, same as claim arguments above and Patel teaches:

wherein the performance information of the ad provided for each of the plurality of the candidate ad landing pages with which the ad was served is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 36**, same as claim arguments above and Patel teaches:

means for accepting a manual ad landing page designation instruction, and means for designating one of the plurality of candidate ad landing pages using the manual ad landing page designation instruction (paragraph 122, paragraphs 424-425, 437, manage banners).

**As per claim 37**, same as claim arguments above and Patel teaches:

wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 38**, same as claim arguments above and Patel teaches:

e) means for normalizing the per ad landing page ad performance of the ad in combination with the automatically selected ad landing page to remove ad landing page independent factors that may influence the ad performance (paragraph 139).

**As per claim 39**, same as claim arguments above and Patel teaches:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges (paragraph 186-187 different product offers and prices).

**As per independent claim 40** Patel teaches:

means for ...selecting one of a plurality of candidate (ad landing page, ad creative) combinations for an ad to be served and means for automatically assembling the ad to include the selected ad creative and the selected ad landing page of the selected (ad landing page, ad creative combination (paragraph 38, line 5, creative offer, paragraph 51, paragraph 187, automatically);  
c) means for serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);

means for tracking a performance of the ad in combination with the automatically selected (ad landing page, ad creative) combinations such that, for the ad, a performance for each of the plurality of (ad landing, ad creative) combinations used when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page)).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claim 41**, same as claim arguments above and Pate teaches: wherein the performance of the ad in combination with the automatically selected (ad landing page, ad creative ) combinations tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

Art Unit: 2167

**As per claim 42**, same as claim arguments above and Patel teaches:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges (paragraph 186-187 different product offers and prices).

**As per independent claim 43** Patel teaches:

means for ...selecting one of a plurality of candidate (ad landing page, ad serving criteria) combinations for an ad to be served and means for automatically assembling the ad to include the selected ad landing page of the selected ad landing page, ad serving criteria) combination (paragraph 38, line 5, creative offer, paragraph 51, paragraph 187, automatically);

means for serving the assembled ad paragraph 51, line 27-28, automatically serving ad);

means for tracking, a performance of the ad in combination with the automatically selected (ad landing page, ad creative) combinations such that, for the ad, a performance for each of the plurality of (ad landing ,ad serving criteria )combinations, used when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph

116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claim 44**, same as claim arguments above and Patel teaches:

wherein the performance of the ad in combination with the automatically selected (ad landing page, ad serving criteria ) combinations tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

**As per claim 45**, same as claim arguments above and Patel teaches:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges(paragraph 186-187 different product offers and prices).

**As per independent claim 46** Patel teaches:

means for ...selecting one of a plurality of candidate ad landing pages, wherein each of the plurality of candidate ad landing pages has a different type, for an ad

Art Unit: 2167

to be served and means for automatically assembling the ad to include the selected ad landing page (paragraph 38, line 5, creative offer, paragraph 51, paragraph 187, automatically);

means for serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);

means for tracking a performance of a set of ads in combination with the type of the automatically selected (d landing page such that, for the ad, a performance for each of the plurality of types of landing pages, used when serving the ad, is separately tracked (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page).

Patel does not explicitly teach automatically selecting one of a plurality of ad landing pages. Nicholas does teach automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

**As per claim 47**, same as claim arguments above and Patel teaches:  
wherein the different types of ad landing pages have different formatting styles  
(paragraph 163, different formats).

**As per claims 55, 56** Patel teaches:  
for an ad to be served at a first time ....y selecting a first ad landing page  
from a plurality of candidate ad landing pages and serving an instance of the ad  
with a link to the first ad landing page (paragraph 38, line 5, creative offer,  
paragraph 51 and paragraph 187, automatically);

for the ad to be served a second time i) ....selecting a second ad  
landing page, different from the previously selected first ad landing page, from  
the plurality of candidate ad landing pages, and serving an instance of the ad  
with a link to the second ad landing page (paragraph 38, line 5, creative offer,  
paragraph 51 and paragraph 187, automatically);

tracking the performance of instances of the ad having a link to the first ad  
landing page and tracking the performance of instances of the ad having a link to  
the second ad landing page (paragraph 104, gathering information related to  
various actions related to ad).

Patel does not explicitly teach automatically selecting one of a plurality of ad  
landing pages. Nicholas does teach automatically selecting an ad, at paragraph  
116, as multiple advertisements are available and ads are selected based on

round robin or randomly selected to target advertisement toward users based on geographic location or user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20, 28-47, 55 and 56 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Patel does not teach the performance of the ad in combination with the individual ad landing pages is separately tracked. Patel does teach this limitation at (paragraph 104, gathering information related to various actions related to ad and sales or other actions related to the target (ad landing page).

Applicant argues prior art of record does not teach determining whether or not to automatically designate one of the plurality of candidate ad landing pages using a comparison of their respective performance and an auto-designation policy and automatically designating the one of the plurality of candidate ad landing pages if it was determined to designate it Patel teaches this limitation at paragraph 203, as automated mechanism to specify conditions to accept or discontinue.

### **Contact Information**



Art Unit: 2167

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Foster Rayyan

March 11, 2008

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167

